IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 16TH NOVEMBER 2006 / 25TH KARTHIKA 1928

WP(C).No. 30257 of 2006(B)

PETITIONER:

M.U.ELIAS, S/O.UTHUP VARKEY,
MANGATTU HOUSE, RAJAKUMARI, IDUKKI DISTRICT.

BY ADV. SRI.K.T.SHYAMKUMAR

RESPONDENTS:

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1. UNION BANK OF INDIA REPRESENTED BY ITS REGIONAL MANAGER, REGIONAL OFFICE, UNION BANK BHAVAN, PB NO.307, M.G.ROAD, STATUE, THIRUVANANTHAPURAM.

2. UNION BANK OF INDIA, RAJAKUMARI BRANCH, IDUKKI DISTRICT, REPRESENTED BY ITS MANAGER.

3. LENNA KUNJAPPAN, W/O.M.U.KUNJAPPAN, MANGATTU HOUSE, RAJAKUMARI, IDUKKI DISTRICT.

BY ADV. SRI.A.S.P.KURUP, SC, UBI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2006 ALONG WITH W.P.(C)30272 OF 2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)Nos.30257 & 30272 OF 2006

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Dated this the 16th day of November 2006

JUDGMENT

Heard counsel for the petitioner and the Standing Counsel Sri.A.S.P.Kurup for the Union Bank of India. Eventhough counsel for the Bank demanded immediate payment of minimum 25% for granting instalment facility, having regard to the low price for the cardamom presently prevailing and the season is on, I feel the monthly instalment facility prayed for by the petitioner is quite reasonable.

2. Writ petitions are disposed of granting six equal monthly instalments to the petitioners to clear the arrears due to the respondent Bank. First instalment will be paid on or before 30th of this month and balance on or before the last day of every succeeding month. I make it clear that instalment facility is granted on the undertaking of the petitioner. If petitioner makes any default in making any payment, the Bank is free to take over the assets without any further notice and are free to proceed for sale.

Writ petitions are disposed of accordingly.

Issue copy today itself.

C.N.RAMACHANDRAN NAIR, JUDGE

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